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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,580	09/02/2004	Wojciech Doganowski	1387-10 PCT/US	2859
23869	7590	01/07/2008		
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			EXAMINER NOONAN, WILLOW W	
			ART UNIT 2146	PAPER NUMBER
			MAIL DATE 01/07/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/506,580	DOGANOWSKI ET AL.	
	Examiner	Art Unit	
	Willow Noonan	2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-86 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 44-86 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/2/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The instant application having Application No. 10/506,580 has a total of 43 claims pending in the application; there are 2 independent claims and 41 dependent claims, all of which are ready for examination by the examiner.

Oath/Declaration

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

Drawings

3. The applicant's drawings submitted are acceptable for examination purposes.

Information Disclosure Statement

4. As required by M.P.E.P. 609(C), the applicant's submission of the Information Disclosure Statement dated September 2, 2004 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by M.P.E.P 609 C(2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 44, 56, and 80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 44 recites the limitation "... and the other devices." There is insufficient antecedent basis for this limitation in the claim.

Claims 56 and 80 recite the limitation "... the encoded messages." There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 44-51, 54-66, 68-75, and 78-86 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones (U.S. Patent No. 7,039,169).

Regarding claims 44 and 68, Jones teaches a broadcast network access-management system comprising at least one master decoding device provided with a smart card. See Jones at col. 2, lines 1-4 ("The security module is usually in the form of a 'smart card'"). Jones teaches at least one slave decoding device, a connection linking

the master decoding device and the slave decoding device. See Jones at col. 8, lines 14-18. Jones teaches a transmitter device for generating and transmitting entitlement management messages intended for the master and slave decoding devices and the other devices. See Jones at col. 7, paragraph 5. Jones also teaches that the connection linking the master decoding device and the slave decoding device is continuously checked and the slave decoding device operates when the connection between the master decoding device and the slave decoding device remains unchanged or changes in allowable limits. See Jones at col. 8, lines 25-27 ("The master IRD may periodically detect and authenticate the slave IRDs via the telephone line"); Jones at col. 9, lines 39-42 (describing collision detection).

Regarding claims 45 and 69, Jones teaches a decoding device is assigned a status of the master decoding device only after it has been linked to a network and an entitlement control message for the master decoding device has been found. See Jones at col. 7, paragraph 5 (describing entitlement messages); Jones at col. 8, paragraph 2 (describing the role of the master in authenticating the slave devices).

Regarding claims 46 and 70, Jones teaches transmission of the entitlement control message appropriate for the master decoding device. See Jones at col. 7, paragraph 5.

Regarding claims 47, 48, 71, and 72, Jones teaches that the entitlement message contains control information for authenticating the slave devices. See Jones at col. 7, paragraph 6 ("One or more EMMs inserted into the conditional access signal

may be modified to include a list of the unique identification strings or numbers assigned to IRDs expected to be located in a particular dwelling”).

Regarding claims 49 and 73, Jones teaches a collision avoidance mechanism. See Jones at col. 9, lines 39-42 (“A signal detected on the telephone line may indicate a collision, and the CPU may stop transmitting and wait a random length of time before attempting to transmit”).

Regarding claims 50 and 74, Jones teaches that the slave decoding device triggers the master decoding device to transmit the entitlement control message appropriate for the slave decoding device and messages with demand for coupling. See Jones at col. 8, paragraph 2 (describing the role of the master in authenticating the slave devices).

Regarding claims 51 and 75, Jones teaches that devices are periodically re-authenticated. See Jones at col. 8, lines 25-26 (“Each of the IRDs may periodically detect and authenticate the other IRDs, at different times”).

Regarding claims 54, 56, 57, 78, and 80, Jones teaches that decoding devices are assigned the status of the master decoding device and the slave decoding device after transmission of encoded messages by the transmitter device generating and transmitting specified codes. See Jones at col. 7, paragraph 6 (“One or more EMMs inserted into the conditional access signal may be modified to include a list of the unique identification strings or numbers assigned to IRDs expected to be located in a particular dwelling”).

Regarding claims 55 and 79, Jones teaches that the broadband network may be a cable network. See Jones at col. 4, paragraph 4.

Regarding claims 58-62, and 81- 85, Jones teaches that the messages exchanged between the master decoding device and the slave decoding devices are messages used to identify the master decoding device and the slave decoding devices, systems that are their component parts, or external devices linked to them. See Jones at col. 7, paragraph 6 ("One or more EMMs inserted into the conditional access signal may be modified to include a list of the unique identification strings or numbers assigned to IRDs expected to be located in a particular dwelling").

Regarding claims 63, 64, 65, and 66, Jones teaches that messages exchanged between the master decoding device and the slave decoding devices are messages which incorporate a result of a certain operation. See Jones at col. 9, paragraph 2 (describing challenge-response authentication).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 52, 53, 76, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Murakami (U.S. Patent App. Pub. No. 2003/0095537).

Regarding claims 52, 53, 76, and 77, Murakami teaches monitoring signal levels and comparing them to a threshold. See Murakami at p. 1, paragraph 21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Murakami's technique in Jones's system because Murakami's technique may be used to detect and recover from errors in a data transmission network such as that disclosed in Jones. See Murakami at p. 1, paragraph 2.

11. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones.

Regarding claim 67, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use TCP/IP over Ethernet for the communications between the master and slave devices.

12. Claim 87 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Aoyagi (U.S. Patent App. Pub. No. 2002/0032761).

Regarding claim 87, Aoyagi teaches monitoring for network changes, including network topology and device configuration. See Aoyagi, *Abstract*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Aoyagi's technique in Jones's system because Aoyagi's technique is generally applicable and useful for monitoring communications networks.

Conclusion

13. Please see the included *Notice of References Cited* for additional prior art considered pertinent to applicant's disclosure but not explicitly relied upon in this action.

14. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

15. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571) 270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



JEFFREY PWU
SUPERVISORY PATENT EXAMINER

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A handwritten signature in black ink, appearing to read "William J. Altmann".